

## REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1-2 and 4 have been amended. Claims 3 and 5 have been cancelled. Claims 1-2 and 4 are pending and under consideration.

### I. Rejection under 35 U.S.C. § 112

In the Office Action, at pages 2-3, claims 1-4 were rejected under the first paragraph of 35 USC § 112 as adding new matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Specifically, the Examiner takes the position that the terms “first upper” and “second upper” are new matter. This rejection is respectfully traversed.

In the context of claim 1, the terms “first upper” and “second upper” are used in conjunction with the claimed “distribution gutter” to distinguish between the claimed “first upper end edge of said distribution gutter” and the claimed “second upper end edge of the distribution gutter”. As such, the terms “first upper” and “second upper” are merely relative terms used for distinguishing between the two opposing upper end edges of the claimed “distribution gutter”. These terms are not terms of art and, therefore, do not constitute new matter. Furthermore, one skilled in the relevant art would appreciate that the inventor, at the time the application was filed, had possession of the claimed invention. Accordingly, withdrawal of the § 112 rejection of claim 1 is respectfully requested.

Claims 2 and 4 depend from claim 1. Accordingly, withdrawal of these § 112 rejections is respectfully requested.

### II. Rejection under 35 U.S.C. § 102

In the Office Action, at page 3, claims 1-4 were rejected under 35 USC § 103(a) as being unpatentable over JP 2001347172 A (JP 172) or U.S. Patent No. 7,013,290 (Houri et al.). This rejection is respectfully traversed.

The Examiner takes the position that the references cited disclose applicants' structure “except for the specific distribution device structure.” This position is respectfully traversed. The invention of claim 1 is clearly directed toward “a distribution device in a rice huller, wherein said rice huller includes a hulling section which hulls un-hulled rice as raw material, wind sorting

section arranged underneath said hulling section, and a hulled rice distribution device disposed between said hulling section and wind sorting section.” Thereinafter, claim 1 further recites the structural features of the claimed “distribution device”. As such, the Examiner’s position that the cited references disclose all of the structure of claim 1 “except for the specific distribution device structure,” does not make sense because claim 1 is directed entirely to the structural features of the claimed distribution device (see claim 1, “said distribution device comprising:”).

Applicants respectfully request the Examiner to indicate the portions of both JP 172 and Houri et al. that disclose each of the claimed features of claim 1. 37 CFR 1.104(c)(2) requires that, in rejecting claims for want of novelty or for obviousness, the particular part of a reference relied on must be designated as nearly as practicable when a reference is complex or shows or describes inventions other than that claimed by the applicant. 37 CFR 1.104(c)(2) further requires that the pertinence of each reference, if not apparent, must be clearly explained.

Neither JP 172 nor Houri et al. discuss or suggest:

- a distribution gutter configured to receive hulled rice falling from said hulling section and in which a plurality of hulled rice falling-through holes are formed;

- a screw that is disposed inside said distribution gutter and conveys hulled rice having flowed into the distribution gutter in the lengthwise direction of the distribution gutter; and

- a falling rice control plate configured to block and open at least some of said hulled rice falling-through holes formed in said distribution gutter, wherein

- a part of the hulled rice that failed to fall through said hulled rice falling-through holes, out of the hulled rice that has flowed into said distribution gutter, in the process of being conveyed by said screw, is caused to overflow a second upper end edge of the distribution gutter on the side opposite the first upper end edge linked to said downflow gutter, and

- the second upper edge of the distribution gutter includes a recessed part that is formed in a part of the second upper edge that is substantially immediately underneath said hulling section, and an overflowing rice control plate is disposed in a position corresponding to the recessed part so as to be shiftable between a state in which said recessed part is blocked and a state in which said recessed part is opened, thereby controlling the quantity of hulled rice overflowing the distribution gutter through said recessed part,

as recited in amended claim 1. In other words, the invention of claim 1 is a distribution device that is part of a huller apparatus. The distribution device includes a distribution gutter that includes a plurality of through holes for passing hulled rice, a screw that is disposed in the

distribution gutter to convey the hulled rice toward the lengthwise ends of the distribution gutter, and a control plate that is configured to either block or open (unblock) at least some of the plurality of through holes formed in the distribution gutter. In this manner, the distribution device of claim 1 can provide a greater number of through holes for falling rice by placing the falling rice control plate in the open position, thereby making it easier to process long-grain rice, which has a more difficult time fitting through the holes due to its length. On the other hand, the distribution device of claim 1 can provide a fewer number of through holes for falling rice by placing the falling rice control plate in the blocked position, thereby making it easier to process short-grain or medium-grain rice, which each have a less difficult time fitting through the holes.

Both JP 172 and Houri et al. are directed toward the roller portion of a husking/hulling apparatus. Neither of these references discloses a distribution device having a structure similar to the invention of claim 1. The Examiner has indicated that both JP 172 and Houri et al. make obvious claim 1 without pointing out any specific portions of these references that teach the structural features of claim 1. It is respectfully submitted that neither JP 172 nor Houri et al. disclose the structural features of a distribution gutter with a plurality of through holes, a screw that is disposed in the distribution gutter, and a falling rice control plate that is configured to either block or open (unblock) at least some of the plurality of through holes formed in the distribution gutter. Furthermore, neither JP 172 nor Houri et al. disclose an overflowing rice control plate that is disposed in a position corresponding to a recessed part in the second upper edge of the distribution gutter so as to be shiftable between a state in which said recessed part is blocked and a state in which said recessed part is opened. Thus, it is submitted that claim 1 patentably distinguishes over both JP 172 and Houri et al. Accordingly, withdrawal of the § 103 rejection is respectfully requested.

As mentioned above, Applicants respectfully request the Examiner to indicate the portions of both JP 172 and Houri et al. that disclose each of the claimed features of claim 1. 37 CFR 1.104(c)(2) requires that, in rejecting claims for want of novelty or for obviousness, the particular part of a reference relied on must be designated as nearly as practicable when a reference is complex or shows or describes inventions other than that claimed by the applicant. 37 CFR 1.104(c)(2) further requires that the pertinence of each reference, if not apparent, must be clearly explained.

Claims 2 and 4 depend either directly or indirectly from claim 1, and include all the features of claim 1, plus additional features that are not discussed or suggested by the references relied upon. Therefore, claims 2 and 4 patentably distinguish over the references

relied upon for at least the reasons noted above. Accordingly, withdrawal of these § 103 rejections is respectfully requested.

#### CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

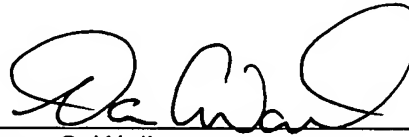
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 9-25-08

By:   
Aaron C. Walker  
Registration No. 59,921

1201 New York Avenue, N.W., 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501